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ZAM/DEH: 2018R00005

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

2018 AUG 23 PM 4: 56

UNITED STATES OF AMERICA

v.

KEVIN J. GORBSKY,
a/k/a "Justin Smelder,"
a/k/a "John Bbeez,"

Defendant.

CRIMINAL NO. 18-0442

CLERK'S OFFICE
AT BALTIMORE
BY
(Enticement of a Minor to Engage in
Unlawful Sexual Activity,
18 U.S.C. § 2422(b); Transfer of
Obscene Material to a Minor,
18 U.S.C. § 1470; Forfeiture,
18 U.S.C. §§ 2428, 1467)

INDICTMENT

COUNTS ONE THROUGH FIVE

(Enticement of a Minor to Engage in Unlawful Sexual Activity)

The Grand Jury for the District of Maryland charges that:

The Defendant

1. The defendant, **KEVIN J. GORBSKY** ("GORBSKY"), born in 1986, was a resident of Bowie, Prince George's County, Maryland.

2. **GORBSKY** was a Captain in the United States Army, stationed in Kuwait and Anne Arundel County, Maryland. In Maryland, **GORBSKY** was assigned to work at a secure U.S. Government facility.

GORBSKY's Sexually Explicit Communications with Users Stating they are Minors

3. **GORBSKY** created and used the Google accounts "Justin Smelder" and "John Bbeez," and the Snapchat account "johnbeez66." On numerous occasions, **GORBSKY** accessed his accounts and engaged in sexually explicit chats using the unclassified computer system at his workplace.

4. Beginning no later than in or about October 2015, and continuing through at least January 8, 2018, **GORBSKY** used his Google and Snapchat accounts to engage in online chat

with hundreds of other users, including from the unclassified computer system at his workplace. Many of these other users identified themselves as minors between 12 and 17 years old. **GORBSKY** told many of the individuals he chatted with that he was 19 years old, when in fact he was between approximately 28 and 31 years old.

5. **GORBSKY's** chats with the users were sexually explicit. **GORBSKY** repeatedly persuaded, induced, enticed and coerced the other users to send him sexually explicit images and to engage in sexually explicit video chat with him. **GORBSKY** sent many of the users sexually explicit images of his erect penis and videos of himself masturbating.

GORBSKY's Sexually Explicit Communications with Girl 1

6. Beginning no later than on or about September 22, 2017, and continuing through at least on or about January 3, 2018, **GORBSKY** engaged in sexually explicit communications with "Girl 1." During these communications, **GORBSKY** persuaded, induced, enticed and coerced Girl 1 to send him sexually explicit images and to engage in sexually explicit video chat with him.

7. Girl 1 repeatedly told **GORBSKY** that she was 12 years old and in the seventh grade. **GORBSKY** told Girl 1 he was 19 years old, when he was in fact approximately 30 or 31 years old.

8. **GORBSKY** wrote to Girl 1 about her classes, schoolwork, and school bus schedule. **GORBSKY** made multiple comments about how young Girl 1 was. **GORBSKY** engaged in sexually explicit conversations with Girl 1 during times she stated she was in school. **GORBSKY** repeatedly asked Girl 1 for pictures during the course of sexually explicit conversations. **GORBSKY** engaged in video chat calls with Girl 1 during the course of sexually explicit conversations.

9. On or about October 26, 2017, **GORBSKY** emailed a video of himself masturbating to Girl 1.

GORBSKY's Sexually Explicit Communications with Girl 2

10. Beginning no later than on or about October 5, 2017, and continuing through at least November 18, 2017, **GORBSKY** engaged in sexually explicit communications with "Girl 2." During these communications, **GORBSKY** persuaded, induced, enticed and coerced Girl 2 to send him sexually explicit images and to engage in sexually explicit video chat with him.

11. Girl 2 told **GORBSKY** that she was 13 years old. **GORBSKY** told Girl 2 he was 19 years old, when he was in fact approximately 30 years old.

12. **GORBSKY** and Girl 2 repeatedly discussed her being in school. **GORBSKY** made multiple comments about how young Girl 2 was. **GORBSKY** repeatedly asked Girl 2 for sexually explicit pictures and to engage in sexually explicit video chat calls during the course of sexually explicit conversations.

GORBSKY's Sexually Explicit Communications with Girl 3

13. Beginning no later than on or about October 5, 2017, and continuing through at least October 26, 2017, **GORBSKY** engaged in sexually explicit communications with "Girl 3." During these communications, **GORBSKY** persuaded, induced, enticed and coerced Girl 3 to send him sexually explicit images and videos, and to engage in sexually explicit video chat with him.

14. Girl 3 told **GORBSKY** that she was 17 years old.

15. **GORBSKY** and Girl 3 repeatedly discussed her being in school. **GORBSKY** repeatedly asked Girl 3 for sexually explicit pictures and to engage in sexually explicit video chat calls during the course of sexually explicit conversations.

GORBSKY's Sexually Explicit Communications with Girl 4

16. Beginning no later than on or about October 17, 2017, and continuing through at least December 30, 2017, **GORBSKY** engaged in sexually explicit communications with "Girl 4." During these communications, **GORBSKY** persuaded, induced, enticed and coerced Girl 4 to send

him sexually explicit images and to engage in sexually explicit video chat with him.

17. Girl 4 told **GORBSKY** that she was 17 years old. **GORBSKY** told Girl 4 he was 19 years old, when he was in fact approximately 30 or 31 years old.

18. **GORBSKY** and Girl 4 repeatedly discussed her being in school. **GORBSKY** repeatedly asked Girl 4 for sexually explicit pictures and to engage in sexually explicit video chat calls during the course of sexually explicit conversations.

19. On or about October 27 and November 15, 2017, **GORBSKY** emailed videos of himself masturbating to Girl 4.

GORBSKY's Sexually Explicit Communications with Girl 5

20. Beginning no later than on or about November 3, 2017, and continuing through at least January 3, 2018, **GORBSKY** engaged in sexually explicit communications with "Girl 5." During these communications, **GORBSKY** persuaded, induced, enticed and coerced Girl 5 to send him sexually explicit images and to engage in sexually explicit video chat with him.

21. During their communications Girl 5 told **GORBSKY** that she was 15 years old. **GORBSKY** told Girl 5 he was 19 years old, when he was in fact approximately 30 or 31 years old.

22. **GORBSKY** made multiple comments about how young Girl 5 looked, her being in school, and her living with her parents. **GORBSKY** repeatedly asked Girl 5 for sexually explicit pictures and to engage in sexually explicit video chat calls during the course of sexually explicit conversations. **GORBSKY** engaged in video chat calls with Girl 5 during the course of sexually explicit conversations.

The Charges

23. Between on or about the dates listed below, each being a separate count, in the District of Maryland, and elsewhere, the defendant,

**KEVIN J. GORBSKY,
a/k/a "Justin Smelder,"
a/k/a "John Bbeez,"**

did knowingly use a facility and means of interstate and foreign commerce to knowingly persuade, induce, entice and coerce, and attempt to persuade, induce, entice and coerce, any individual who had not attained the age of 18 years, to wit: the victims below, to engage in any sexual activity for which any person could be charged with a criminal offense.

COUNT	DATES	VICTIM
One	9/22/17 through 1/3/18	Girl 1
Two	10/5/17 through 11/18/17	Girl 2
Three	10/5/17 through 10/26/17	Girl 3
Four	10/17/17 through 12/30/17	Girl 4
Five	11/3/17 through 1/3/18	Girl 5

18 U.S.C. § 2422(b)

COUNT SIX
(Transfer of Obscene Material to a Minor)

The Grand Jury for the District of Maryland further charges that:

1. The allegations set forth in Paragraphs 1 through 22 of Counts One through Five are incorporated by reference here.
2. On or about October 26, 2017, in the District of Maryland and elsewhere, the defendant,

KEVIN J. GORBSKY,
a/k/a "Justin Smelder,"
a/k/a "John Bbeez,"

did, using a facility and means of interstate and foreign commerce, knowingly transfer and attempt to transfer obscene matter to another individual who had not attained the age of 16 years, to wit: Girl 1, knowing that the other individual had not attained the age of 16 years.

18 U.S.C. § 1470

FORFEITURE

As a result of the offenses set forth in Counts One through Six, the defendant,

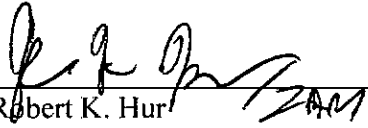
KEVIN J. GORBSKY,
a/k/a "Justin Smelder,"
a/k/a "John Bbeez,"

shall forfeit to the United States his interest in all property, real and personal, that was used and intended to be used to commit and to promote the commission of said offenses, including but not limited to:

1. A Samsung Galaxy S8, model: SMG950U, IMEI: 359032080215825;
2. An Apple MacBook Air Laptop Computer, model: A1466, s/n: C1MP4M8TG085;
3. A Samsung tablet, model: SM-T550, sn: SN R52H20V9BST; and
4. An Apple iMac Computer, model: A1311, sn: C02GGE9PDHJF

seized from **GORBSKY's** residence, and any property traceable to such property that constitutes and is traceable to gross profits and other proceeds obtained directly and indirectly from said offenses.

18 U.S.C. §§ 2428, 1467


Robert K. Hur
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

For person

8/23/18

Date